

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

<b>United States District Court</b>		District <u>Eastern</u>	<u>1:07CV644 AWI SMS</u>
Name <u>Paul C Courtois</u>	Prisoner No. <u>T 83017</u>	Case No. <u>CR005088-5</u>	(HC)
Place of Confinement <u>Wasco state Prison 701 scotfield ave P.O. Box 8800</u> <u>Wasco, CA, 93280</u>			
Name of Petitioner (include name under which convicted) <u>Paul C. Courtois</u>		Name of Respondent (authorized person having custody of petitioner) <u>Board of Prison terms</u> <u>v. C.P.C.</u>	
The Attorney General of the State of: <u>Ross moody, California</u>		<b>FILED</b> APR 27 2007 CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY <u>[Signature]</u> DEPUTY CLERK	
<b>PETITION</b>			
1. Name and location of court which entered the judgment of conviction under attack <u>Humboldt County</u> <u>Superior Court 825 5th. St. Eureka, CA, 95501</u>			
2. Date of judgment of conviction <u>11/18/02</u> Date of sentence <u>Feb. 10, 2003</u>			
3. Length of sentence <u>6 1/2 years, under P.C. 4019 1/2 time Day For Day</u>			
4. Nature of offense involved (all counts) <u>Sentence under P.C. 4019 - Day For Day</u> <u>P.C. 664/192 Attempted Voluntary Manslaughter</u> <u>P.C. 12022 W. weapon Enhancement</u>			
5. What was your plea? (Check one) (a) Not guilty <input checked="" type="checkbox"/> (b) Guilty <input type="checkbox"/> (c) Nolo contendere <input type="checkbox"/> If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: <u>- All - Not Guilty - "Frame-up" - "As I And my two 2</u> <u>Dogs Both Belove Pets are the crime victims at this time!"</u>			
6. If you pleaded not guilty, what kind of trial did you have? (Check one) (a) Jury <input checked="" type="checkbox"/> (b) Judge only <input type="checkbox"/>			
7. Did you testify at the trial? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
8. Did you appeal from the judgment of conviction? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

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9. If you did appeal, answer the following:

- (a) Name of court First appellate court Division 3
- (b) Result N/A. Deni
- (c) Date of result and citation, if known \_\_\_\_\_
- (d) Grounds raised \_\_\_\_\_

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court California Supreme Court
- (2) Result Denied Info N/A.
- (3) Date of result and citation, if known \_\_\_\_\_
- (4) Grounds raised \_\_\_\_\_

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court \_\_\_\_\_
- (2) Result \_\_\_\_\_
- (3) Date of result and citation, if known \_\_\_\_\_
- (4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) ~~Number of appeals~~ all state Courts of Appeal  
File Appeal By writ of Habeas Corpus
- (2) Nature of proceeding \_\_\_\_\_
- (3) Grounds raised Denial of Fair And speedy trial  
Double Jeopardy trials were two mistrials

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Denial of Attorney at trial - Denial Attorney of choice  
claim of Factual Innocence NO D.N.A. testing  
Denial of Fair appeal

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(b) As to any second petition, application or motion give the same information:

(1) Name of court First Appellate Court, & Cal. Supreme Courts

(2) Name of proceeding Habeas Corpus writ

(3) Grounds raised Factual INNOCENCE of charge (was Frame-up)  
Denial Fair And Speedy trial (-Delay By D.A. + Pub Def.)  
Double Jeopardy trial twice same crime also D.A.  
File mistrials = Not I the Defendant, Denial of attorney  
And Denial of Attorney of my choice!

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☒ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Denial of right to have fair appeal

As claim Factual Innocence

Supporting FACTS (state briefly without citing cases or law): That they Deny I Fair  
appeal By have A Lawyer Lawyer Friend of Public Defender  
handle my appeal thru state Courts against my will  
with NO Real appeal Grounds

I File only thing I could writ of Habeas Corpus  
on appeal point out Grounds was Better But was Denied  
By state courts

B. Ground two: Claim of Factual Innocence of original charges  
NO - D.N.A. testing, NO Finger prints all Frame-up

Supporting FACTS (state briefly without citing cases or law): I was Renting House at  
10 1/2 Hurst Rd. ON 11/1/00 From owner Martha Reed. This  
is Humboldt Co.

The Night of 11/1/00 when Martha Lisa Pedras And  
6 SH gang member Friend Broke in. They Invade my  
House Rental, only I And my two 2 Belove Pedigree  
pet Dogs were home one weimaraner blue shep & Dalmation

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- C. Ground three: Conviction was obtain By use of Illegal And  
UNCONSTITUTIONAL search And seizure And unlawful Arrest

Supporting FACTS (state briefly without citing cases or law):

was unlawful Detainer action in The Home i.e. Rental  
Pursuant to Illegal Arrest unlawful Arrest in the Home at  
Night posses As Rental, Illegal search And seizure in the  
Home NO-warrant For Arrest And NO Probabil Cause As  
Lisa Predas is know thief & heroin addict member of mafia

- D. Ground four: Tampering with official Records Forgery many thefts  
of money over 2 million Dollars over 55 year's Etc.

Supporting FACTS (state briefly without citing cases or law):

that this is Frame-up By old Enemy's; Paul C. Courton  
is older senior or Elder 55 years old is physically In pain  
Disable veteran And Vet. U.S. Air Force WITNESS / who  
is the real crime victim! Marie Lisa Predas is know  
Communist & member of mafia. thief, liar, murder Etc  
so I S D.A. Marie Alemanias is some hell Bum, stinker!

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: Attorney on  
Appeal who was hostile Refuse "Judith Kabai" mostly theft of  
all my legal files Between 12/4/06 And 2/16/07 while on phone  
Forged up Paul's stole all Evidence & \$ 2,500.00 Cash & checks
14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
Yes ☒ No ☐
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
- (a) At preliminary hearing \_\_\_\_\_
- (b) At arraignment and plea \_\_\_\_\_



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- (c) At trial \_\_\_\_\_
- (d) At sentencing \_\_\_\_\_
- (e) On appeal yes U.S. District Court <sup>Need</sup> ~~Need~~ Number
- (f) In any post-conviction proceeding ? N/A
- (g) On appeal from any adverse ruling in a post-conviction proceeding \_\_\_\_\_

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Pro-se

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

4/18/07  
Date

U.S. Veteran, W. Hon.  
U.S. Air Force  
1970-1974

Paul C. Conton  
Signature of Petitioner

# T.83017